

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

OSWALDO ELEAZAR
ESCALANTE-MOLINA,

Petitioner,

v.

LOWELL CLARK, et al.,

Respondents.

CASE NO. C14-1615-JLR-MAT

REPORT AND RECOMMENDATION

Proceeding *pro se*, petitioner filed the instant habeas corpus petition pursuant to 28 U.S.C. § 2241, seeking release from immigration detention at the Northwest Detention Center. (Dkt. 1.) Respondents have moved to dismiss the petition as moot because an Immigration Judge granted petitioner release from custody on an \$8,000 bond. (Dkts. 10 & 10-1.) At the time respondents filed their motion, petitioner had not yet posted bond. (Dkt. 10 at 3.) Petitioner, however, has since been released. *See* Online Detainee Locator, U.S. Immigration and Customs Enforcement, <https://locator.ice.gov/odls/searchByName.do> (last visited Dec. 19, 2014).

Under Article III of the U.S. Constitution, federal courts may adjudicate only actual, ongoing cases or controversies. *Deakins v. Monaghan*, 484 U.S. 193, 199 (1988). Where the

1 court can no longer grant effective relief, it lacks jurisdiction and must dismiss the case as moot.
2 *See, e.g., Cox v. McCarthy*, 829 F.2d 800, 805 (9th Cir. 1987); *Enrico's, Inc. v. Rice*, 730 F.2d
3 1250, 1254 (9th Cir. 1984). Because petitioner has already been granted the ultimate relief
4 sought—release from detention—his claim must be denied as moot. *See Abdala v. I.N.S.*, 488
5 F.3d 1061, 1065 (9th Cir. 2007) (claims are moot where court cannot provide the requested
6 relief).

7 For the foregoing reasons, the Court recommends that respondents' motion to dismiss
8 (Dkt. 10) be GRANTED, petitioner's habeas petition (Dkt. 1) be DENIED as moot, and this
9 action be DISMISSED without prejudice. A proposed order accompanies this Report and
10 Recommendation.

11 DEADLINE FOR OBJECTIONS

12 Objections to this Report and Recommendation, if any, should be filed with the Clerk and
13 served upon all parties to this suit within **twenty-one (21) days** of the date on which this Report
14 and Recommendation is signed. Failure to file objections within the specified time may affect
15 your right to appeal. Objections should be noted for consideration on the District Judge's
16 motions calendar for the third Friday after they are filed. Responses to objections may be filed
17 within **fourteen (14) days** after service of objections. If no timely objections are filed, the
18 matter will be ready for consideration by the District Judge on **January 16, 2015**.

19 DATED this 23rd day of December, 2014.

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22 Mary Alice Theiler
23 Chief United States Magistrate Judge